

SEARCH & SEIZURE – VEHICLE SEARCH

Byrd v. U.S., --- U.S. --- (2018)

Decided May 14, 2018

FACTS: In September, 2014, Pennsylvania State Police troopers made a traffic stop of Byrd, the sole occupant of a rental car. Trooper Long, who made the stop, later indicated he was suspicious of the way Byrd was driving. Byrd was visibly nervous and was found not to be an authorized driver of the rental car he was operating. Later investigation indicated that another individual had served as, in effect, a straw renter, and have given the keys to Byrd as soon as it was rented. During the investigation, they discovered an out of state warrant, but that state refused to extradite. Byrd admitted there was marijuana in the car. The troopers at the scene attempted to get consent, but agreed that since he was not an authorized driver, he had no expectation of privacy in the vehicle. Upon a search, 49 bricks of heroin and body armor were found in the trunk.

Byrd moved to suppress the fruits of the trunk search. Trooper Long argued at the suppression hearing that the search was also justified under the vehicle exception doctrine, but the trial court ruled that Byrd lacked standing to object, as he had no expectation of privacy in the vehicle, and did not reach the issue. Byrd took a conditional guilty plea and appealed. The Court of Appeals upheld his plea based on Byrd being an unauthorized driver and did not address the second justification.

Byrd petitioned for certiorari and the U.S. Supreme Court granted review.

ISSUE: May an unauthorized driver in a rental vehicle still have an expectation of privacy in that vehicle?

HOLDING: Yes

DISCUSSION: The Court acknowledged that “there is a diminished expectation of privacy in automobiles, which often permits officers to dispense with obtaining a warrant before conducting a lawful search.”¹ The Court summed up the precise question as: “Does a driver of a rental car have a reasonable expectation of privacy in the car when he or she is not listed as an authorized driver on the rental agreement?” Although an owner would always have that right, “a person need not always have a recognized common-law property interest in the place searched to be able to claim a reasonable expectation of privacy in it.”² Simple presence isn’t enough, however, to convey that right. The Court made a distinction between passengers, who may lack that right depending upon the circumstances, and sole occupant drivers.

Continuing:

¹ California v. Acevedo, 500 U. S. 565 (1991).

²² See Jones v. U.S., 362 U. S. 257 (1960) Mancusi v. DeForte, 392 U. S. 364 (1968); Minnesota v. Olson, 495 U. S. 91 (1990).

The Court sees no reason why the expectation of privacy that comes from lawful possession and control and the attendant right to exclude would differ depending on whether the car in question is rented or privately owned by someone other than the person in current possession of it, much as it did not seem to matter whether the friend of the defendant in Jones owned or leased the apartment he permitted the defendant to use in his absence. Both would have the expectation of privacy that comes with the right to exclude.

The Court agreed that in Rakas, it had agreed that the “‘wrongful’ presence at the scene of a search would not enable a defendant to object to the legality of the search.”³ The Government had argued that since Byrd knew he could not lawfully rent the vehicle on his own based on his criminal record, so he may have committed a crime by using another person to do so. However, the Government’s argument was not made at the lower courts and, as such, could not be considered for the first time on appeal.

The Court noted, also, that the Government did argue that the troopers had probable cause to believe that the vehicle contained contraband, based on Byrd’s admission of having marijuana. The Court agreed that was proper for the District Court to address, and remanded the case with the ruling that Byrd did have a reasonable expectation of privacy and thus standing to contest the search.

FULL TEXT OF DECISION: https://www.supremecourt.gov/opinions/17pdf/16-1371_1bn2.pdf

³ Rakas v. Illinois, 439 U.S. 128 (1978).